

CIVIL AFFAIRS: ADMINISTRATION AND JURISDICTION

Agreement signed July 27, 1944

Entered into force July 27, 1944

*Expired May 8, 1945, upon unconditional surrender of Germany*¹

Department of State files

MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND LUXEMBOURG RESPECTING THE ARRANGEMENTS FOR CIVIL ADMIN- ISTRATION AND JURISDICTION IN LUXEMBOURG TERRITORY LIBERATED BY AN ALLIED EXPEDITIONARY FORCE

The discussions which have taken place between the representatives of the United States of America and Luxembourg concerning the arrangements to be made for civil administration and jurisdiction in Luxembourg territory liberated by an Allied Expeditionary Force under an Allied Commander-in-Chief have led to agreement upon the following broad conclusions.

The agreed arrangements set out below are intended to be essentially temporary and practical and are designed to facilitate as far as possible the task of the Commander-in-Chief and to further our common purpose, namely, the speedy expulsion of the Germans from Luxembourg and the final victory of the Allies over Germany.

1. In areas affected by military operations, it is necessary to contemplate a first, or military, phase, during which the Commander-in-Chief of the Expeditionary Force on land must *de facto* exercise supreme responsibility and authority to the full extent necessitated by the military situation.

2. As soon as, and to such extent as, in the opinion of the Commander-in-Chief, the military situation permits the resumption by the Luxembourg Government of responsibility for the civil administration, he will notify the appropriate representative of the Luxembourg Government accordingly. The Luxembourg Government will thereupon, and to that extent, resume such exercise of responsibility, subject to such special arrangements as may be required in areas of vital importance to the Allied Forces, such as lines of communication and airfields, and without prejudice to the enjoyment by the

¹ See agreement of May 7 and 8, 1945 (EAS 502), *ante*, vol. 3, p. 1123.

Allied Forces of such other facilities as may be necessary for the prosecution of the war to its final conclusion.

3. *a.* During the first phase, the Commander-in-Chief will make the fullest possible use of the advice and assistance which will be tendered to him through Luxembourg liaison officers attached to his staff for civil affairs and included in the personnel of a Luxembourg Military Mission to be appointed by the Luxembourg Government. He will also make the fullest possible use of loyal Luxembourg local authorities.

b. The Luxembourg liaison officers referred to in sub-paragraph *a* above will, so far as possible, be employed as intermediaries between the Allied Military authorities and the Luxembourg local authorities.

4. During the first phase, the Luxembourg Government will promulgate or pass such legislation as in their opinion may be required after consultation with the Commander-in-Chief.

5. *a.* In order to facilitate the administration of the territory during the first phase, the Luxembourg Government will reorganize or reestablish the Luxembourg administrative and judicial services, through whose cooperation the Commander-in-Chief can discharge his supreme responsibility. For this purpose, the instructions of the Luxembourg Government will be communicated through the appropriate members of the Luxembourg Military Mission referred to in sub-paragraph *3a* above. However, the appropriate members of the Luxembourg Mission are authorized to act on the spot in the event that the normal procedure as prescribed in the preceding sentence is impracticable or impossible.

b. The appointment of the Luxembourg administrative and judicial services will be effected by the competent Luxembourg authorities in accordance with Luxembourg law. If, during the first phase, conditions should necessitate appointments in the Luxembourg administrative or judicial services, such appointments will be made after consultation with the Commander-in-Chief, who may request the Luxembourg authorities to make appointments when he considers it necessary.

6. *a.* In accordance with the arrangement made between the Governments of Luxembourg and Belgium, Luxembourg subjects serving in the Belgian Army with an Allied Expeditionary Force in Luxembourg territory will come under the exclusive jurisdiction of the Luxembourg courts. Luxembourg subjects serving in Luxembourg territory in any separate Luxembourg unit that may be formed will also come under the exclusive jurisdiction of the Luxembourg courts.

b. Persons who are subject to the exclusive jurisdiction of the Luxembourg authorities, in the absence of Luxembourg authorities, may be arrested by the Allied military police and detained by them until they can be handed over to competent Luxembourg authorities.

7. In the exercise of jurisdiction over civilians, the Luxembourg Government will make the necessary arrangements for ensuring the speedy trial in the vicinity by Luxembourg courts of such civilians as are alleged to have committed offenses against the persons, property or security of the Allied Forces, or against such proclamations of the Commander-in-Chief as fall within the limits of the jurisdiction which can be exercised by Luxembourg military authorities, without prejudice, however, to the power of the Commander-in-Chief, if military necessity requires, to bring to trial before a military court any person alleged to have committed an offense of this nature.

8. Without prejudice to the provisions of paragraph 15, Allied Service courts and authorities will have exclusive jurisdiction over all members of the Allied Forces respectively, and over all persons of non-Luxembourg nationality not belonging to such Forces who are employed by or who accompany those Forces and are subject to Allied naval, military or air force law.

9. Persons thus subject to the exclusive jurisdiction of Allied Service courts and authorities may, however, be arrested by the Luxembourg police for offenses against Luxembourg law, and detained until they can be handed over for disposal to the appropriate Allied Service authority. A certificate, signed by an Allied officer of field rank or its equivalent, that the person to whom it refers belongs to one of the classes mentioned in paragraph 8 shall be conclusive. The procedure for handing over such persons is a matter for local arrangement.

10. The Allied Commander-in-Chief and the Luxembourg authorities will take the necessary steps to provide machinery for such mutual assistance as may be required in making investigations, collecting evidence and securing the attendance of witnesses in relation to cases triable under Allied or Luxembourg jurisdiction.

11. There shall be established by the respective Allies, claims commissions to examine and dispose of claims for compensation for damage or injury preferred by Luxembourg civilians against the Allied Forces, exclusive of claims for damage or injury resulting from enemy action or operations against the enemy.

12. Members of the Allied Forces, and organizations and persons employed by or accompanying those forces, and all property belonging to them or the Allied Governments, shall be exempt from all Luxembourg taxation (including customs) except as may be subsequently agreed between the Allied and Luxembourg Governments. The Allied authorities will take the necessary steps to ensure that such property is not sold to the public in Luxembourg except in agreement with the Luxembourg Government.

13. The Commander-in-Chief shall have power to requisition civilian labor, billets and supplies, and to make use of lands, buildings, transportation and other services for the military needs of his command. For this purpose,

the fullest use will be made of Luxembourg liaison officers attached to the staff of the Commander-in-Chief.

14. The immunity from Luxembourg jurisdiction and taxation resulting from paragraphs 8 and 12 will extend to such selected civilian officials and employees of the Allied Governments present in Luxembourg on duty in furtherance of the purposes of the Allied Expeditionary Force as may from time to time be notified by the Commander-in-Chief to the competent Luxembourg authority.

15. Should circumstances, in future, be such as to require provision to be made for the exercise of jurisdiction in civil matters over non-Luxembourg members of the Allied Forces present in Luxembourg, the Allied Governments concerned and the Luxembourg Government will consult together as to the measures to be adopted.

16. Other questions arising as a result of the liberation of Luxembourg territory by an Allied Expeditionary Force (in particular, questions relating to finance, currency, the ultimate disposition of booty, the custody of enemy property and the attribution of the cost of maintaining the civil administration during the first phase) which are not dealt with in this agreement shall be regarded as remaining open and shall be dealt with by further agreement as may be required.

IN WITNESS WHEREOF, this instrument has been executed in duplicate as of this 27th day of July, 1944, on behalf of the parties hereto under the respective authorizations hereinafter set forth.

Duly authorized to execute this instrument on behalf of the Grand Duchy of Luxembourg.

PIERRE DUPONG
*Prime Minister and Minister of
the Armed Force*

Pursuant to instructions from the Joint Chiefs of Staff, I hereby execute this instrument on behalf of the United States of America.

DWIGHT D. EISENHOWER
General, United States Army